


September 17, 2009

(X) ACTION REQUIRED
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TO: Chancellor, District of Columbia Public Schools (DCPS)
Public Charter School Board
Public Charter School Directors
Principals, DCPS
Early Stages, DCPS

FROM: Kerri L. Briggs, PhD
State Superintendent of Education 

RE: Early Childhood Transition Policy

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This Memorandum serves to clarify what is required of all Local Education Agencies (LEAs) regarding early childhood transition requirements as required in the Individuals with Disabilities Education Act (IDEA) 2004 and its implementing federal regulations.¹ This Memorandum supersedes all previous policy, memoranda and/or guidance promulgated by the state education agency. This policy takes effect on **October XX, 2009**.

¹ This Memorandum is not intended to be a restatement of the requirements of the IDEA and the District of Columbia Code of Municipal Regulations (DCMR) in regard to early childhood transition. LEAs are responsible for knowing and implementing the requirements of IDEA and the DCMR applicable to LEAs.

Background

The IDEA Part C requires each State to designate a lead agency under Part C who is responsible for ensuring a smooth transition from the Part C (services to children with disabilities, birth through age two) program to a preschool or another appropriate program delivering services to a child with early intervention service needs. The Office of the State Superintendent of Education (OSSE) is the lead agency for implementing Part C in the District of Columbia. The DC Early Intervention Program (DC EIP) within the OSSE's Department of Special Education is responsible for assisting children participating in early intervention programs under Part C in experiencing a smooth and effective transition to Part B programs.

The OSSE must have policies and procedures in effect to ensure that LEAs participate in the collaborative process required to transition eligible children from Part C early intervention services to Part B special education preschool or other programs with appropriate services. LEAs must participate, when appropriate, with DC EIP in planning conferences. Further, with parental approval and consistent with the *Early Childhood Transition Process from Part C to Part B* section of this policy, LEAs must determine Part B eligibility and develop an individualized education program (IEP) to implement prior to each eligible child's third birthday.²

Key Terms and Concepts

- **Child Find.** DC EIP, with the advice and assistance of the State Interagency Coordinating Council (SICC), is responsible for coordinating the planning and implementation of child find activities for children from birth through age two to ensure that a comprehensive system is in place to identify, locate, and evaluate infants and toddlers³ who are eligible to receive Part C early intervention services in the District of Columbia.⁴
- **Early Childhood Transition Process:** A carefully planned, proactive, outcome-oriented process initiated by DC EIP, which collaborates with the family, LEAs, and at the parents request, other program representatives to develop a plan to move children with disabilities to an appropriate program that meets their unique needs by the time they turn three years old and age out of the Part C program.

² 34 C.F.R. §300.124

³ 34 C.F.R. §§303.7 and 303.16. As used in this policy, children shall mean infants and toddlers with disabilities.

⁴ 34 C.F.R. §§303.320 and 303.321

- Individualized Family Service Plan (IFSP): An IFSP is a multidisciplinary written plan for providing early intervention services to an eligible child and the child's family.⁵
- Part B Transition Coordinator: Each LEA that anticipates enrolling preschool-aged children must designate an onsite staff person to participate in transition activities and serve as the primary contact person for other agencies involved with the early childhood transition process.⁶
- Part C Service Coordinator: The DC EIP service coordinator is responsible for the implementation and coordination of the IFSP and early intervention services.
- Transition Plan: The steps, identified and documented on the IFSP, to be taken to initiate and support the transition of the child upon reaching the age of three to the preschool services under Part B of IDEA or to other community services, as may be appropriate and based on family preference.

Early Childhood Transition Process from Part C to Part B

Each LEA is responsible for ensuring that children enrolled in their program, and previously receiving Part C Early Intervention Services, experience smooth transitions to preschool either within the LEA or at other appropriate program under Part B.⁷ To assist with the transition process, the LEA must designate a transition coordinator who is responsible for participating in the child's Part C transition conference and subsequent Part B eligibility process. The transition coordinator's primary goal is to ensure that eligibility for Part B services is determined, and if warranted, an IEP is developed for delivery of Part B special education and related services and implemented before the child's third birthday. The following steps outline the early childhood transition process:

1. Convene an IFSP Meeting to Plan Transition Steps. After a child turns two years old, the Part C service coordinator must convene an IFSP meeting with the parent(s) to develop and document steps to be taken to support the transition of the child to preschool services under Part B or other services that may be

⁵ 34 C.F.R. § 303.340

⁶ The primary contact person's information must be made available and easily accessible through multiple formats.

⁷ Charter schools who elect DCPS for the purposes of special education must follow DCPS's early childhood transition policies and procedures. A LEA charter school that has elected to be its own LEA for special education purposes must resume all LEA transition responsibilities for children enrolled in their preschool programs and early intervention programs.

available, to the extent that the services are appropriate.⁸ The IFSP meeting must include discussions of potential future placements and procedures to prepare the child for change in service delivery, including steps to help the child adjust to, and function in, a new setting.⁹ To facilitate a smooth transition process, a statement regarding timelines for transition activities must be included in the IFSP that includes the activities and the responsible participating agencies who will be carrying out such activities.¹⁰ LEAs may participate in any IFSP meeting that addresses transition planning by mutual agreement of the parent and DC EIP. Regardless of participation by the LEA, a transition conference, as described in the next section, is mandatory.

2. Convene the Transition Conference. With the approval from the family of the child, the Part C service coordinator and LEA must participate in a transition conference with the family within six months and not less than 90 days before the child turns three years of age.¹¹ The Part C service coordinator is responsible for completing the following steps to initiate the transition conference and support collaboration between the parent(s) and LEA responsible for Part B services:¹²

- Obtain parental approval to hold a transition conference with the LEA.
- Obtain parental consent for the release of information about the child to the LEA to ensure continuity of services, including evaluation and assessment information, and copies of IFSPs that have been developed and implemented.¹³

⁸ 34 C.F.R. §303.344(h)(1)

⁹ 34 C.F.R. §303.344(h)(2)

¹⁰ The LEA will be included in this initial meeting if the parent has previously consented to sharing the child's service information with the LEA.

¹¹ 34 C.F.R. §303.148(a)(2)(i)

¹² For sake of efficiency, the Part C coordinator may complete more than one step per interaction, for example, parental approval for the transition conference and parental consent for the release of the child's information may both occur at the IFSP meeting.

¹³ 34 C.F.R. §303.460(a); Each state shall adopt policies and procedures that the State will follow in order to ensure the protection of any personally, identifiable information collected, used, or maintained under [Part C], including the right of parents to written notice of and written consent to the exchange of this information among agencies consistent with Federal and State law; 34 C.F.R. 303.344 (h)(2).

- Notify the LEA for the area in which the child resides.¹⁴
 - Invite the LEA's Part B transition coordinator to participate in the transition conference.¹⁵
3. Determine Eligibility for Part B Services. Each LEA must complete an initial evaluation before determining that a child has a disability. All LEAs must follow the District of Columbia initial evaluation/reevaluation policies and procedures for Part B.¹⁶ Consistent with those policies and procedures, when appropriate and with parental consent, LEAs shall consider relevant Part C documentation, including, but not limited to, IFSPs, assessments, and evaluations.
 4. Invite Part C Primary Contact to the IEP Meeting. In the case of a child who was previously served under Part C, an invitation to the Part B initial IEP team meeting must, at the request of the parent, be sent to the Part C service coordinator to assist with the smooth transition of services.¹⁷
 5. Invite Part C Primary Contact to the IEP Meeting. The obligation to make a Free Appropriate Public Education (FAPE) available to each eligible child begins no later than the child's third birthday;¹⁸ and an IEP must be in effect for the child by that date.¹⁹ If a child's third birthday occurs during the summer, and the child does not qualify for extended school year, the LEA must provide the family information about community resources that may be available to support their child's developmental needs.

¹⁴ 34 C.F.R. §303.148(a) and (b)(1). Charter schools who elect DCPS for the purposes of special education must follow DCPS's early childhood transition policies and procedures, unless the parent decides to enroll a child in a public charter school that has elected to be its own LEA for special education purposes ("LEA Charters"). LEA charters must assume all LEA transition responsibilities for children enrolled in their preschool programs. Consistent with the *LEA to LEA Transfer* section of this policy, LEA charter schools are only responsible for transition activities for children enrolled in their preschool program. Therefore, DCPS is responsible for all Part B transition activities outlined in this policy for the District of Columbia.

¹⁵ 34 C.F.R. §300.124

¹⁶ DCMR 5-3005

¹⁷ 34 C.F.R. §300.321(f)

¹⁸ 34 C.F.R. §300.101(a)

¹⁹ 34 C.F.R. §300.101(b)(1)

6. Develop and Implement IEP. The obligation to make a FAPE available to each eligible child begins not later than the child's third birthday;²⁰ and an IEP must be in effect for the child by that date.²¹ If a child's third birthday occurs during the summer, and the child does not qualify for extended school year, the LEA must provide the family information about community resources that may be available to support their child's developmental needs.

LEA to LEA Transfer

The District of Columbia Public Schools (DCPS), as the only LEA in the District of Columbia with geographic boundaries as defined in IDEA, is responsible for placement of children eligible for Part B special education services in preschool programs within DCPS. These responsibilities are carried out by DCPS Early STAGES. However, if the child is enrolled in a LEA Charter, the LEA Charter must fulfill the same responsibilities as DCPS Early STAGES. This includes, but is not limited to, participating in the Part C transition conference, conducting the Part B eligibility meeting, and the development of an IEP if the child is determined eligible for Part B special education and related services. Regardless of the timing, the receiving LEA is responsible for providing a FAPE²² to the child upon enrollment, including the delivery of services comparable to those described in the child's most current IEP from the previous public agency or LEA, until the receiving LEA either (1) adopts the child's preexisting IEP from the previous public agency, or (2) develops and implements a new IEP.²³ If the receiving LEA does not agree with the existing IEP and/or wants to conduct its own evaluation, it must hold an IEP meeting within a reasonable amount of time to ensure the child receives appropriate special education and related services in the least restrictive environment. The LEA must continue to provide the special education and related services as prescribed in the current IEP until a new IEP is developed.

Non-Eligibility for Part B Services

If a child is not determined eligible for Part B preschool services, with the approval of the family, reasonable efforts must be made to convene a meeting among the Part C service coordinator, the family, and service providers to discuss other appropriate programs available to the child.

²⁰ 34 C.F.R. §300.101(a)

²¹ 34 C.F.R. §300.101(b)(1)

²² 34 CFR §300.323(e)

²³ The requirements for IEPs for students who transfer from one public agency to another public agency within the same school year are found in the regulations at 34 CFR §300.323(e) and (g). The new IEP must meet the applicable requirements in 34 CFR §§300.320 through 300.324.

Reporting Requirements

Each LEA must collect and report to the OSSE accurate, reliable and timely data. Specific data elements include:

- The date the LEA was notified for children exiting early intervention services who are potentially eligible for Part B preschool services;
- The date of the transition conference or reasons for delay;
- The date of consent for evaluation; and

- Number of days after age three that services begin and/or the reasons for delay, including parental refusal.

Additional Guidance

Please direct any questions regarding the content of this policy to Grace Chien, LEA/Charter Policy and Implementation Specialist, at (202) 741-5098 or by email at Grace.Chien@dc.gov. The OSSE has the authority as the state educational agency (SEA) to issue additional guidance regarding LEA/charter policy and related practice implementation to ensure that all LEAs are complying with the law in providing transition services to all eligible students with disabilities in the District of Columbia.